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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,258	01/04/2006	Takeshi Iwatsu	277188US6PCT	9948
22850	7590	07/07/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HOANG, SON T	
			ART UNIT 2165	PAPER NUMBER
			NOTIFICATION DATE 07/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/563,258

Applicant(s)

IWATSU ET AL.

Examiner

SON T. HOANG

Art Unit

2165

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 05 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-8, 10-17 and 19-31.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Christian P. Chace/
Supervisory Patent Examiner, Art Unit 2165

/Son T Hoang/
Examiner, Art Unit 2165

Continuation of 3. NOTE: Independent claims 1, 10, 19, and 24 have been amended with new limitations that require further search and examinations..

Continuation of 11. does NOT place the application in condition for allowance because:

Independent claims 1, 10, 19, and 24 have been amended with new limitations that require further search and examinations. Hence the amendment will not be entered. Claims 1-8, 10-17, and 19-31's rejections are maintained as indicated in the Final Office action sent out on April 2, 2008. A citation of the Final Office action is as followed:

Regarding claims 1, 10, 19, 24, Yuji clearly shows and discloses a data storage control apparatus, method, ([0018]-[0022]), computer readable medium (Figure 1), comprising:

data attribution detection means for detecting attribution of storing-target data (The data is passed to the filter section. Out of the passed data, the filter section identifies expiration date information, significance information and classification information, [0022]);

determination means for determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said data attribution detection means (When having passed over the expiration date, (Y) cancels received data (it does not record) and is completed, [0022]);

data deletion means for deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination means determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data (The record control section records the information received from the filter section on a recording device. Here, when the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification, information, an expiration date ...

Moreover, the record control section eliminates automatically the information which has passed over the expiration date in the recorded information, [0019]), and said data deletion means determines that said deletion-target priority of said data is high to delete said data if attribution of said data shows that said data is content copied from an external storage medium;

data storage means for storing said storing-target data in said storage medium after said data deletion means deletes data having higher said deletion-target priority (When the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification information, an expiration date, etc., and the information received newly is recorded, [0019]).